REMARKS

The present amendment is in response to the Office Action mailed May 12, 2005, in which the Examiner objected to claim 11; rejected claims 1, 5-6, and 14 under 35 U.S.C. 102(a); rejected claims 2-4, 7, 10, and 15-19 under 35 U.S.C. 103(a); and rejected claims 1 and 8-13 under 35 U.S.C. 112, first paragraph. Applicants would like to thank the Examiner for the careful consideration and substantive effort given this case. The Applicants have thoroughly reviewed the outstanding Office Action including the Examiner's remarks and the references cited therein. The following remarks are believed to be fully responsive to the Office Action and are believed to render the claims at issue patentable.

Claims 1, 10 and 11 have been amended herein. The amendments do not introduce new matter into the application.

CLAIM OBJECTIONS

The Examiner objected to Claim 11 as being identical to Claim 7. Claim 11 as amended is not identical to Claim 7. Amended Claim 11 is different from Claim 7 as it is not limited to using Internet searches to gather up-to-the-minute information. As a result, the Applicants request that the Examiner remove the objection.

CLAIM REJECTIONS

35 U.S.C. 112, paragraph 1:

The Examiner has rejected Claims 1 and 10-11 under 35 USC 112, first paragraph as non-enabling. However, the level of conflict indicators and the indicator analysis are both enabled in the specification. On page 11, embodiments of both the level of conflict indicators and indicator analysis are discussed. On page 6 in the Summary of the Invention, at paragraph 0014, there is an example in which twelve indicators are listed. Furthermore, in Figure 1 and its accompanying text, steps 300 and 600 discuss the use of indicators and indicator analysis in the CAST system. Figure 3 and its accompanying text, at paragraphs 0038 and 0039, demonstrate a

process of how indicator values may be determined. The specific value, time period or geographic region, of any indicator is not critical to the invention as long as the determination method is consistent such that the factoring of present value against past value is meaningful. Some examples of possible sources of information for determining indicator levels are explicitly given on page 9, lines 20-24 (e.g., data can be taken from the websites of World Bank and Aid Effectiveness Research). If there is sufficient data, the information may then used to create and measure the indicators. This example uses the twelve factors to show indicator analysis as claimed. Therefore, Claims 1, 10, and 11 are sufficiently enabled to one skilled in the art and the applicant respectfully requests the removal of the 35 U.S.C. 112 rejections.

Claims 8 and 12 were rejected under 35 U.S.C. 112 for not elaborating on the five-step process. However, five stages are explicitly discussed in the Detailed Description on page 14 (paragraphs 0045 and 0046). That discussion states not only what the stages are, but how the indicators may be used with the delta information to determine in what stage the country should be placed. The Patent Act's enablement requirement does not require the *claims* to include this level of detail, as it is the *detailed description*, not the claims, that must provide enablement. The scope of enablement must be commensurate with the scope of protection sought by the claims. *In re Geerdes,* 49 F.2d 1260, 190 USPQ 789 (C.C.P.A. 1974). One does not look to the claims but to the specification to find out how to practice the claimed invention. *W.L. Gore & Assoc., Inc. v. Garlock, Inc.,* 721 F.2d 1540, 1558, 220 USPQ 303, 316-17 (Fed. Cir. 1983); See also *In re Johnson*, 558 F.2d 1008, 1017, 194 USPQ 187, 195 (CCPA 1977).

Claims 9 and 13 were rejected under 35 U.S.C. 112 for only teaching the title of the stage. However, the five stages mentioned are the named result of the calculated value. Claims 9 and 13 do not require "transformation of the state" as an action that must be taken. Rather, a

value associated with the stage is placed into frameworks that track where the selected conflict falls with respect to probability of a conflict arising. (See Claim 8.) As discussed in the Detailed Description on page 14, once the stage is given to the country, "the selected assessment is now complete."

Claims 1-7 and 14-19: 35 U.S.C. 102(a) and 35 U.S.C. 103:

Claims 1, 5-6, and 14 are rejected under 35 U.S.C. 102(a) in view of Schrodt. However, Schrodt's analysis is used for comparing activities between two or more countries while the present claims are directed toward a particular country's activities. For example, Claim 14 includes an element of "determining a rate of change of conflict *in* the country" (emphasis added). Claim 1 has been amended to clarify that the indicators relate to levels of internal conflict, as supported by, for example, on page 6 of the application. In contrast, Schrodt only considers "*foreign* policy interactions" (emphasis added, see page 22), and not indicators of *internal* conflict.

Also, Schrodt does not teach determining if a database contains enough information to perform a base assessment as claimed in Claim 1. Schrodt merely teaches checking to see if there is information, regardless of the amount. The system claimed must have enough information so it can perform a base assessment.

Schrodt also does not teach gathering up-to-the-minute data as taught in Claims 1 and 14. The data gathered in Schrodt is from articles and newspapers in print. These sources are not up-to-the-minute and it is not inherent for a system to be able to gather information from online, or "up-to-the-minute" sources rather than from a printed paper or article as one can be retrieved by way of a network, while the other data is from an already written record.

Additionally, Schrodt does not teach Claims 1 and 14's method of determining the rate of change in the state of conflict and differences in the contributing factors. Schrodt merely mentions determining whether a change in one event (combat force level) has occurred. Schrodt does not disclose determining a *rate of* change, or trend, over a period of time.

Finally, as further discussed in the national magazine, Foreign Policy (See Exhibit A hereto; *The Failed States Index*, FOREIGN POLICY, July/Aug. 2005 at 56), determining a rate of change within a country is unique and unanticipated. The article describes the need for determining a ranking of a country's internal conflicts and states that this analysis is a "necessary first step" to creating solutions. For at least these reasons, Applicants request that the Examiner remove the 35 U.S.C. § 102 rejections for Claims 1 and 14.

Insofar as Claims 5 and 6 depend from independent Claim 1 and add further limitations thereto, Applicants request that the 35 U.S.C. § 102(a) rejections of these claims be withdrawn.

Claims 2-4 are rejected as being unpatentable under 35 U.S.C. §103 over Schrodt in view of Brandt, "Evaluating Information on the Internet." Brandt does not disclose any of the features described above as being missing from Schrodt.

Claim 7 is rejected as being unpatentable over Schrodt in view of Carnegie Mellon University (CMU), "Commercial Software Models." The CMU reference does not disclose any of the features described above as being missing from Schrodt.

Claims 15-19 are rejected as being unpatentable over Schrodt in view of Baker. Baker does not disclose any of the features described above as being missing from Schrodt. Accordingly, Applicants request that the rejection of these claims be withdrawn.

Claims 10 and 11: 35 U.S.C. 103(a):

Claim 10 was rejected under 35 U.S.C. 103(a) as being unpatentable over Mumpower, Afghanistan and Olonisakin in view of Apgar. However, none of these references either individually or in combination teach determining a rate of change. In fact, on page 2 of the Office Action mailed May 27, 2005, it states that the "Examiner agrees that the rate of change is not taught in the references cited as the basis of rejection" in the previous Office Action. Nonetheless, the Examiner has copied the previous rejection verbatim. As none of the references individually teach determining a rate of change, and the Examiner has agreed with this statement, the Applicants request that the Examiner withdraw the 35 U.S.C. § 103 rejection of Claim 10.

Claim 11 has been rejected as being unpatentable over Schrodt as applied to Claim 1 in view of the CMU reference. However Claim 11 does not depend from Claim 1. Accordingly, the rejection is improper and Applicants request that the rejection be withdrawn.

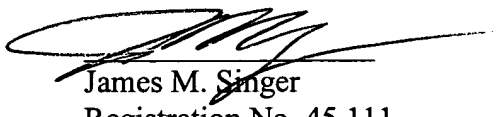
Accordingly, Applicants submit that independent Claims 1, 10, 11 and 14 are allowable over the art of record and respectfully requests reconsideration and withdrawal of the 35 U.S.C. § 102(a) rejections of Claims 1 and 14 and reconsideration and withdrawal of the 35 U.S.C. § 103(a) rejections of Claims 10 and 11. In addition, insofar as Claims 2-9, 12-13, and 15-19 depend from independent Claims 1, 10, 11, and 14 and add further limitations thereto, Applicant requests that the 35 U.S.C. § 102(a) and 35 U.S.C. § 103(a) rejections of these claims be withdrawn as well. Having overcome the rejections in the Office Acton, withdrawal of the rejections and expedited passage of the application to issue are respectfully requested.

CONCLUSION

In light of the above amendments and remarks, Applicants respectfully submit that all pending claims as currently presented are in condition for allowance and hereby respectfully request reconsideration. Applicants submit that no new matter has been added and that the originally filed specification, drawings, and claims support the amendments. Applicants respectfully request the Examiner to pass the case to issue at the earliest convenience.

Applicants have thoroughly reviewed the art cited but not relied upon by the Examiner. Applicants have concluded that these references do not affect the patentability of the claims as currently presented.

Respectfully Submitted,



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